

September 30, 2004  
Case No.: PHN 17,686 (7790/350)  
Serial No.: 09/689,061  
Filed: October 12, 2000  
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**REMARKS/DISCUSSION OF ISSUES**

In the Final Office Action, Examiner Lam rejected claims 1, 7, 8, 10 and 15 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,500,593 to *Nakabayashi*; claims 2 and 16 under 35 U.S.C. §102(b) as being unpatentable over *Nakabayashi* in view of RFC 1661 to *Simpson et al.*; claims 3-6, 11-14, 17, 18 and 20 under 35 U.S.C. §102(b) as being unpatentable over *Nakabayashi* in view of RFC 1889 to *Schulzrinne et al.*

The Applicant has cancelled claims 1-8 and 10-20 herein without prejudice or disclaimer to the subject matter of claims 1-8 and 10-20, and for consideration in a continuation application. The Applicant has added new claims 21-40, and respectfully asserts that *Nakabayashi*, *Simpson*, *Schulzrinne* and the remaining art of record, alone or in combination, fails to teach or suggest the limitations of claims 21-40. In particular, *Nakabayashi*, *Simpson*, *Schulzrinne* and the remaining art of record, alone or in combination, fails to teach or suggest the following limitations of independent claims 21, 31 and 40:

1. "wherein, in response to receiving the first data stream from the first end station and failing to receive the second data stream from the second end station, the first communication station is further operable to multiplex the first data packet in a combined data packet", and "wherein the combined data packet includes a first header field indicative of a presence of the first data packet in the combined data packet and indicative of an absence of the second data packet from the combined data packet" as recited in independent claims 21 and 31; and

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2. "means for receiving a combined data stream including at least one header field indicative of a presence in the combined data stream of a first data packet from a first end station in the combined data stream and indicative of an absence from the combined data stream of a second data packet from a second end station" as recited in independent claim 40

Withdrawal of the rejection of claims 1, 7, 8, 10 and 15 under 35 U.S.C. §102(b) as being anticipated by *Nakabayashi*, of the rejection of claims 2 and 16 under 35 U.S.C. §103(a) as being unpatentable over *Nakabayashi* in view *Simpson*; of the rejection of claims 3-6, 11-14, 17, 18 and 20 under 35 U.S.C. §103(a) as being unpatentable over *Nakabayashi* in view *Schulzrinne*; and an allowance of new claims 21-40 are therefore respectfully requested.

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**SUMMARY**

Examiner Lam's rejections of claims 1-8 and 10-20 have been obviated by cancellation herein of claims 1-8 and 10-20. The Applicant has supported an allowance of new claims 21-40 over the art of record. The Applicant respectfully submits that claims 21-40 as listed herein fully satisfy the requirements of 35 U.S.C §§ 102, 103 and 112. In view of the foregoing, favorable consideration and early passage to issue of the present application is respectfully requested. If any points remain in issue that may best be resolved through a personal or telephonic interview, Examiner Lam is respectfully requested to contact the undersigned at the telephone number listed below.

Dated: September 30, 2004

Respectfully submitted,  
FRANK P. DERKS, *et al.*

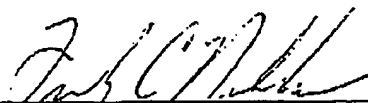
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